

REMARKS

Claims 1-51 were filed with the application. Claims 1-11, 19, 23-32, 36 and 44-51 have been withdrawn based upon a restriction requirement. Claims 12-15, 17, 18, 20-22, 33-35 and 37-43 remain under consideration at the time of the present action. Claim 16 was previously cancelled.

Appreciation is hereby expressed to the Examiner for the time spent during the discussions on November 20, 2006 and January 19, 2007. It is believed that the arguments and amendments herein are substantially in conformance with these discussions.

Claims 37-43 stand rejected as indefinite due to the reference to phrase "the circumferentially extending, longitudinal holes" in claim 37. This language has been amended to clarify the structure being claimed. Reconsideration of this objection is respectfully requested. (It is noted that the language of claim 37 as presented herein is modified as compared to that presented for consideration during the interview discussion. These minor changes are intended to clarify and remove awkwardness of the term, and do not significantly affect the overall scope of the claim.)

ARGUMENTS

Claims 12-15, 17, 18 and 20-22 stand rejected as anticipated by Adams et al (US 4,852,823). Claims 33-35 stand rejected as being obvious in view of Adams. Claims 37-40 and 43 stand rejected based on the combination of Dunlap (US 2,679,989) and either Powel et al (US 4,901,941) or Adams. Claims 41 and 42 stand rejected as being obvious in view of the combination of Dunlap, either Powel or Adams, and Qui et al (US 5,505,395). It is respectfully submitted that the claims as pending in the application are not suggested or disclosed by the recited references. Reconsideration and withdrawal of the rejection is solicited.

In the Office Action, it is asserted that the opening 31 and the insert 41 in Adams extend along a portion of the circumference of the tube. This statement is understood to mean that there is some measurable dimension of the opening and insert in the circumferential direction of the tube. In the claims as pending, the hole and the insert are defined as either elongated (independent claims 12, 22 and 33) or longitudinally extending (independent claims 22, 33 and 37). By these phrases, the hole and insert in the claims have an extended dimension along the circumference, whereby extended direction is significantly greater than the transverse dimension. (The typical example used in defining the term "longitudinal" is a stripe, having a length that is greater than the width.) Manifestly, this

elongated and longitudinally extending language in the claims that defines the hole and the insert distinguishes over the structure shown in Adams.

In addition, the claims define the position of the hole in the tube as being inward of the end of the tube, such that the hole is completely surrounded by the outer surface of the tube. Further, the insert is surrounded by the hole. In addition, the insert and hole have adjacent side surfaces that form the start-up groove. In Adams, the rounded insert is positioned in a key shaped notch, which is open to the end of the tube. The thread or yarn is brought in from the axial end of the tube. In order for the insert to catch the yarn, the insert must be exposed to the open end of the notch. Manifestly, in Adams, the hole is not inward of the end of the tube, the insert is not surrounded by the hole, and there is no start-up “groove” formed in the outside surface of the tube by the adjacent surfaces of the insert and the hole.

The present Action also relies on Powel for showing an insert ring 100, which forms a start-up groove, and holes 102 in the tube wall. The insert ring in Powel is not positioned in a hole extending through the tube wall from the inside diameter to the outside surface. Rather two parts are brought together to form a channel in the cylindrical surface of the tube structure, with the ring sitting on the bottom surface of the channel. In addition, the holes in the tube wall of Powel are positioned adjacent to (and partially overlap with) the channel. However, the combination of the hole and insert ring do not form the start-up groove. The two parts do not functionally interact, other than to provide access for a knife or scissors to cut the yarn or thread in the groove (formed elsewhere between the wall of the channel and the insert ring). Further, it is clear that the holes in Powel are not elongated or longitudinally extending in the circumferential direction of the outer surface of the tube.

With regard to Dunlap and Qui, neither reference suggests or discloses the use of an insert positioned within a hole in the tube wall to form a start-up groove in the surface of the tube. These patents relate solely to the formation of a tube, and do not suggest their further modification. To this end, these two patents do not overcome the deficiencies of Adams and Powel

It is respectfully submitted that the claims as presently pending are not suggested or disclosed by the references identified in the present Action. There are a number of elements that distinguish the claims from these references. As such, withdrawal of the present rejections is solicited.

Although not applied in the Office Action, reference was made during the discussion with the Examiner to DE 39 23 305 and the embodiment shown in Figs 3A – C therein. (A translation of this German reference was previously made of record.) In this embodiment, the insert or pin 9 has a series of catch tongues 7 that deflect to permit the yarn to move underneath and be trapped against the bottom surface of the channel or chute 4. The individual tongues contact the side walls of the channel after the pin is inserted into a hole (extending from the inside diameter of the tube through to the bottom of the channel).

In the claims, it is the side surfaces of the hole and insert that form the start-up groove. In independent claims 12 and 22 these side surfaces are defined as plainer. The projecting tongues in the German reference clearly do not define a plainer surface. Moreover, the tongues do not contact the sidewall of the hole. They are expanded beyond the hole and into the channel. In independent claims 33 and 37, the insert again is defined as being elongated, with an extended side surface having first and second portions. The first portion is spaced from but parallel to the side surface of the hole. The second portion of the side surface of the insert is angled with respect to the first surface and the second portion forms a tapered groove with the side surface of the hole to catch the yarn. In the German reference, the tongues are angled with respect to the sidewall of the channel (not the hole), and do not include a parallel portion. Moreover, it is not the angle of the tongues with the sidewall of the channel that creates the yarn trap; rather, it is the space between the bottom wall of the channel and the underside of the tongues. Manifestly, the structure claimed is distinguished from of this German reference, and the trapping function in the German reference is not the same. For at least these reasons, this German reference does not suggest or disclose the specifically claimed combination of the amended claims.

The remaining references of record in the application have been reviewed in view of the above amendments and the comments in the present Action. None of these additional references appear to overcome the deficiencies of the references discussed above.

It is respectfully submitted that the claims as amended are in condition for allowance. The issuance of a Notice of Allowance is requested. (However, if further minor amendments are desired to bring about allowance of the claims as pending, please contact applicants' representative by phone.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJ Durling', with a long horizontal line extending to the right.

Thomas J. Durling
Reg. No. 31,349
Attorney for Applicants
DLA Piper US LLP
One Liberty Place, Suite 4900
1650 Market Street
Philadelphia, PA 19103
Phone: (215) 656-2431
Fax: (215) 656-2498
thomas.durling@dlapiper.com

TJD/rb